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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/798,826
Filing Date: March 10, 2004
Appellant(s): PRUUDEN ET AL.

William J. Barber
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 20, 2007 appealing from the Office action mailed March 06, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20040218605 GUSTAFSSON et al. 11-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Gustafsson et al. (2004/0218605).

Regarding claims 1 and 10, Gustafsson discloses method for access selection comprises the step of: identifying, compiling, deploying, managing, or deploying, mobility components in a managed application server platform of a net work (see abstract, figs.2-3, elements 260, 360 and its description) wherein, the method

comprises instantiating a mobility profile in an application server execution environment for making common mobile functionality available to mobility specific components (see abstract, figs.2-3, element 265, 365, 366 and its description).

Regarding claims 2, and 11, Gustafsson further discloses the mobility profile allows applying mobility specific functionalities in a server side in a similar manner that has been provided with other managed containers (see fig.3, elements 362, 365 and its description).

Regarding claims 3-9, and 12-21, Gustafsson further discloses wherein mobility specific functions include **either** accounting charging, subscriber management, **authentication**, identity management, authorization policy management, device profile management, session & transaction management, service registry, workflow management containers (see fig.3, elements 362, 364 paragraphs [0051]-[0052] and its description).

(10) Response to Argument

In response to applicant's argument:

A. INDEPENDENT CLAIMS 1 AND 10

Regarding to independent claims **1** and **10** that the reference fails to teach

- 1) “identifying, compiling, deploying, managing, or deploying, mobility components in a managed application server platform of a network” and
- 2) “instantiating a mobility profile in an application server execution environment for making common mobile functionality available to mobility specific components as claimed”.

Examiner respectfully disagrees,

a) the features such as **identifying, compiling, deploying, managing, or deploying, mobility components** is structurally integrated with communication network, it is inherent in order to identify the user and determine the best access network based on the information provide by profile server, and using the computer to translate in to machine language such as compiling and managing the network (see abstract, and figs.2-3), and however, the recitation “**identifying, compiling, deploying, managing, or deploying, mobility components**” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

b) the **Gustafsson**'s reference also teaches “an ABC service network that provide service related to the mobility, security, authentication and access handling” (see paragraph [0051]-[0052]). Therefore, it is clearly that ABC service network including “**instantiating a mobility profile in an application server execution environment for making common mobile functionality available to mobility**”

specific components". The limitation such as accounting charging, subscriber management, authentication, identity management, authorization policy management, device profile management, session & transaction management, service registry, workflow management containers (see paragraph [0052] which is read on "ABC network 260 further comprises a security server 264 and a mobility server. The security server 264 handles security-related matters like authentication and authorization, and can with advantage be implemented as an AAA (authentication, authorization, accounting) server"). However, these limitations were not claimed in independent claims 1 and 10. With these broadest reasonable interpretations, the Examiner believes that the rejections should be sustained.

B. DEPENDENT CLAIMS 2-9 AND 11-21.

Regarding claims **2-3** and **11-12**,

Applicant's assertion on page **11**, that "Gustafsson et al. does not teach or suggest that the mobility profile allows applying mobility specific functionalities in the server side" and "especially where the mobility specific functions may include either accounting charging, subscriber management, authentication, identity management, authorization policy management, device profile management, session & transaction management, service registry, workflow management, or some combination thereof, as recited in claims 2-3 or 11-12".

Examiner respectfully disagrees on paragraph [0052] states that "The security server 264 handles security-related matters like authentication and authorization, and can with advantage be implemented as an AAA (authentication, authorization,

accounting) server”. With this broadest reasonable interpretation, the Examiner believes that the rejections should be sustained.

Regarding claim **4** or **13**.

Applicant’s asserts on page **11**, that “Gustafsson et al.’ elements 265, 365 and 366 all do not perform the aforementioned mobility profile feature recited in claim **4** or **13**” especially in relation to the instantiation of the mobility profile”

Examiner respectfully disagrees on paragraph[0051] states that “an ABC service network that provide service related to the mobility, security, authentication and access handling”. With this broadest reasonable interpretation, the Examiner believes that the rejections should be sustained.

Regarding claim **5** or **14**.

Applicant’s assertion on page **12**, that “Gustafsson et al.’ elements 265, 365 and 366 all do not perform the aforementioned mobility profile feature recited in claim **5** or **14**”, especially in relation to the instantiation of the mobility profile”.

Examiner respectfully disagrees on paragraph[0051] states that “an ABC service network that provide service related to the mobility, security, authentication and access handling”. With this broadest reasonable interpretation, the Examiner believes that the rejections should be sustained.

Regarding claim **6** or **15**.

Applicant’s assertion on page **12**, that “Gustafsson et al.’ elements 265, 365 and 366 all do not perform the aforementioned mobility profile feature recited in claim **6** or **15**”, especially in relation to the instantiation of the mobility profile”.

Examiner respectfully disagrees on paragraph[0051] states that “an ABC service network that provide service related to the mobility, security, authentication and access handling”. With this broadest reasonable interpretation, the Examiner believes that the rejections should be sustained.

Regarding claim **7** or **16**.

Applicant’s assertion on page **12**, that “Gustafsson et al.’ elements 265, 365 and 366 all do not perform the aforementioned mobility profile feature recited in claim 7 or 16”, especially in relation to the instantiation of the mobility profile”.

Examiner respectfully disagrees on paragraph[0051] states that “an ABC service network that provide service related to the mobility, security, authentication and access handling”. With this broadest reasonable interpretation, the Examiner believes that the rejections should be sustained.

Regarding claim **8** or **17**.

Applicant’s assertion on pages **12-13**, that “Gustafsson et al.’ elements 265, 365 and 366 all do not perform the aforementioned mobility profile feature recited in claim 8 or 17”, especially in relation to the instantiation of the mobility profile”.

Examiner respectfully disagrees on paragraph[0051] states that “an ABC service network that provide service related to the mobility, security, authentication and access handling”. With this broadest reasonable interpretation, the Examiner believes that the rejections should be sustained.

Regarding claim **9**, **18** or **19**.

Applicant's assertion on page **13**, that "Gustafsson et al.' elements 265, 365 and 366 all do not perform the aforementioned mobility profile feature recited in claim **9, 18** or **19**", especially in relation to the instantiation of the mobility profile".

Examiner respectfully disagrees on paragraph[0051] states that "an ABC service network that provide service related to the mobility, security, authentication and access handling". With this broadest reasonable interpretation, the Examiner believes that the rejections should be sustained.

Regarding claim **20** or **21**.

Applicant's assertion on page **13**, that "Gustafsson et al.' elements 265, 365 and 366 all do not perform the aforementioned mobility profile feature recited in claim **20** or **21**", especially in relation to the instantiation of the mobility profile".

Examiner respectfully disagrees on paragraph[0051] states that "an ABC service network that provide service related to the mobility, security, authentication and access handling". With this broadest reasonable interpretation, the Examiner believes that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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